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SUMMARY RECORD OF THE 27th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 4 April 1996, at 3 p.m.

Chairman: Mr. VERGNE SABOIA (Brazil)

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The meeting was called to order at 3.10 p.m.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

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(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (agenda item 8) (continued)

(E/CN.4/1996/5-E/CN.4/Sub.2/1995/36; E/CN.4/1996/28 and Corr.1, 29 and Add.1, 2 and 3, 30, 31 and Add.1, 32 and Add.1, 33 and Add.1, 34, 35 and Add.1 and Corr.1 and Add.2, 36, 37, 38 and Corr.1, 39 and Add.1 and 2, 40 and Add.1, 41, 121, 122, 123, 124, 133 and 143; E/CN.4/1996/NGO/10, 24, 25, 26, 36, 46, 55 and 61; E/CN.4/Sub.2/1995/20 and Corr.1 and Add.1, 30 and Add.1; E/CN.4/1995/100; A/50/512)

1. Mr. ANWAR (World Federation of Democratic Youth) drew the Commission's attention to the fate of the members of the Mohajir nation who were being persecuted by the State of Pakistan in urban centres of Sind, in particular, Karachi and Hyderabad. In particular, militants of the political party which represented them, the Mohajir Qaumi Movement (MQM), were being brutally tortured while in custody; the methods used were described by the Special Rapporteur on Torture, Mr. Rodley, in paragraph 117 of his report (E/CN.4/1996/35). As an example, reference could be made to the case of two MQM members, one of whom had been savagely tortured for 23 days to force him to make a confession and to read a pre-written statement on State television in order to tarnish the image of the MQM and the Mohajir nation. Such so-called "confessions" were a flagrant violation not only of article 13 of the Constitution, which provided a guarantee against self-incrimination, but also of sections 164 and 364 of the Code of Criminal Procedure, under which confessions by accused persons could be made only in the presence of a judge, in a public courtroom and in the presence of counsel. The Pakistani Government was thus prepared to violate the Constitution and the laws of the country in order to defame the Mohajir nation.

2. The Mohajirs were also the principal victims of extrajudicial, summary or arbitrary executions in Pakistan. Six Mohajirs had been executed with impunity between 30 March and 1 April, in other words, during the current session of the Commission. The Special Rapporteur on the question, Mr. Bacre Waly Ndiaye, had noted in his report (E/CN.4/1996/4) the large numbers of deaths in custody (para. 372) and had expressed great concern at the terrorist acts of the group, Haqiqi, a rival faction of the MQM which, he said, was in fact controlled by the Pakistani army and whose goal was to split the MQM and weaken the Mohajir nation. In the face of such State terrorism, it was not surprising that some Mohajirs, particularly the younger generation,

should be driven by anger and despair to violent retaliation. While the Mohajir nation and the MQM strongly condemned such acts, they understood the motives for them.

3. The World Federation of Democratic Youth urged the Commission to press the Government of Pakistan to ratify the International Covenants on Human Rights, the Convention against Torture, and other relevant instruments, and to facilitate the granting of fundamental and constitutional rights to the Mohajir nation. It also asked the Commission to appoint a special rapporteur to investigate and report to it on State terrorism against the Mohajir nation.

4. Mr. CIURLIZZA (Andean Commission of Jurists) said that, in most countries of the Andean region, the process of legal reform had produced only partial results in areas such as the appointment of judges or the simplification of legal procedures, which could facilitate the modernization of the legal systems of those countries. However, almost nothing had been done with regard to the courts' consideration of human rights violations and to excessive recourse to emergency legislation, including the use of the military courts, which allowed State officials responsible for such violations to avoid all punishment. That impunity took on particular importance with the adoption of legislation such as the Peruvian amnesty law, which halted prosecution of those responsible for such crimes and thereby constituted a flagrant violation of the principle of the independence of the judiciary.

5. With regard to legal guarantees, the reform had changed almost nothing in countries such as Colombia and Peru. Individuals accused of violating the public safety laws were still given summary trials, often by "faceless judges", which was an offence against the right to due process. There was still a very high percentage of detentions without trial in Bolivia, Peru and Venezuela. Urgent measures must be taken to resolve that serious problem, which was a violation of the right to a speedy trial that respected the guarantees provided under the law. For example, it would be possible to develop a system of monitoring judges responsible for expediting the legal procedures related to imprisonment. Consideration might also be given to making greater use of justices of the peace, who already existed in Peru, in resolving disputes which required a prior knowledge of local customs. Constitutional courts and ombudsmen were also important institutions and mechanisms for guaranteeing the right to justice by controlling the abuse of authority.

6. The Andean Commission of Jurists felt that the international community should support those concrete proposals. For its part, it was cooperating with the United Nations High Commissioner for Human Rights to develop projects involving the judges, ombudsmen and police of the region so that those three important institutions could integrate protection of the internationally recognized human rights into their daily activities.

7. Mr. LOFTIS (United States of America) said that, while torture was publicly condemned as antithetical to the most fundamental human rights, there were States members of the Commission which continued to practise it in order to stifle aspirations to freedom or to support dictatorship or despotism. Even when the methods used left no marks on the victim, torture was never really invisible, since it left its mark on those who engaged in it.

8. The United States unequivocally condemned torture and believed that all States should immediately ratify and implement the Convention against Torture. Work on the draft optional protocol to the Convention should be intensified. The Centre for Human Rights should, within existing resources, develop training programmes for the police and members of the judiciary. All States should do whatever was needed to prevent incommunicado detention. All places of detention should be open to inspection by independent medical and legal investigators and by international human rights treaty bodies. Governments should also be held accountable at all times for their acts. The work of the Special Rapporteur on Torture should be strengthened.

9. The United States had already donated $500,000 during the current year to the United Nations Voluntary Fund for Victims of Torture and intended to make further contributions in the near future. It hoped that other countries would follow its example, but it looked forward to the day when there would be no need for the Fund because the practice of torture would be ended. The fact that there had always been torture did not mean that it was justified. If some countries continued to practise it, it was the duty of the Commission to expose the perpetrators, condemn their actions and take practical steps to bring the practice to an end.

10. Mr. CONROY (Australia) said Australia strongly believed that, through its thematic mechanisms, the Commission had an effective means of responding to situations of human rights violations in the world community.

11. The report of the Working Group on Enforced or Involuntary Disappearances was particularly important, since every act of enforced disappearance was an offence against human dignity and caused immense suffering, not only to the victims but also to their families. Yet, as the Working Group had noted in its most recent report (E/CN.4/1996/38), the number of cases continued to increase and the practice of enforced disappearance was increasingly frequent, particularly in the context of internal armed conflict and ethnic strife. Australia was pleased to note, however, that more and more Governments were cooperating with the Working Group, and it urged all countries to follow that example. It supported the Working Group's recommendation that all Governments should recognize the contribution of non-governmental organizations (NGOs) to the fight against such disappearances, since those organizations served as the world community's conscience.

12. Australia was pleased that the work of the Working Group responsible for drafting a protocol to the Convention against Torture at its fourth session (E/CN.4/1996/28) had been conducted in a positive and constructive atmosphere and that some articles of the Protocol had been adopted at first reading. It regretted, however, that a number of fundamental provisions of the text remained in square brackets. It wondered whether the high cost associated with the proposed sub-committee would divert funds from other programmes of the Centre for Human Rights. It was also concerned by the potential for duplication of existing provisions of the Convention against Torture, for example, article 20, which permitted the Committee against Torture to visit places of detention with the agreement of the State party concerned. It believed that, if the Protocol was to have meaning, the powers of the Committee in that area should be extended.

13. As the Working Group on Arbitrary Detention had stated in its report (E/CN.4/1996/40), the main causes of arbitrary detention were the exercise of powers pertaining to states of emergency, a lack of clarity in the description of criminal acts and the establishment of special or emergency courts which did not act impartially or independently and failed to apply the rules of due process, thereby being unable to guarantee the right to a fair trial. Australia called on all States to support the Working Group's recommendations, including the recommendation that information requested by the Group should be delivered within the stipulated 90-day period; it also urged States to recognize the importance of initiatives aimed at strengthening the rule of law and ensuring the impartiality of the judiciary.

14. Australia welcomed the recommendations made in the Secretary-General's report on children and juveniles in detention (E/CN.4/1996/31) and called upon all States to take into account in their legislation, and to disseminate widely, the United Nations rules and guidelines concerning juvenile delinquents and juveniles deprived of their liberty. Australia acknowledged that it, too, needed to make progress in that area and welcomed any opportunity to improve regional and international cooperation designed further to protect the rights of children and juveniles in detention.

15. Australia believed that if all States complied with the recommendations made by the Special Rapporteur on Torture in his report (E/CN.4/1995/35 and Add.1), the incidences of torture would be radically reduced. It supported the increased focus within the United Nations system on the administration of juvenile justice, in particular the implementation of standards relating to juveniles deprived of their liberty. It attached great importance to the full cooperation of States with the thematic mechanisms of the Commission and believed that all States had an obligation to bring to justice those responsible for serious human rights violations.

16. Mr. HOLST (Denmark), focusing on the medical aspects of torture, said that treatment and rehabilitation were offered each year to tens of thousands of torture victims in more than 180 rehabilitation centres and programmes in all parts of the world. One third of those centres and programmes were located in countries of the European Union. Such was the case of the first centre of that kind, which had been opened 14 years previously in Copenhagen and, since then, had received victims from over 55 countries, all of which were Members of the United Nations and, in principle, bound by the Universal Declaration of Human Rights and other international human rights instruments forbidding torture. There were other such centres in North America and Australia and, increasingly, in Latin America, Asia, Africa, and Central and Eastern Europe, which allowed for a culturally better-adapted, and financially more cost-effective, provision of care to a larger number of victims in their own environment and their own language.

17. The development of such services did not reflect an increase in the incidence of torture, but rather a heightened awareness on the part of victims, who were now daring to come forward and request the treatment which they badly needed and definitely deserved. Such services also played an important indirect role in the reconciliation process in many young

democracies since, even when a society was unable to prosecute and punish the torturers, it could express its solidarity with the victims by offering them the necessary social and medical rehabilitation.

18. Experience had shown that such services were best provided by independent but officially-recognized institutions, which could offer complete confidentiality and which the victims felt they could trust. But it was essential that those centres should receive international funding. The United Nations Voluntary Fund for Victims of Torture, created by the Commission in 1981, had played an important role in that respect; however, lacking adequate funding, it now covered only 10 to 15 per cent of the estimated total needs. Funding was also provided in part by a special budget line, created in 1994 by the European Union, and by private foundations and technical assistance programmes. The remaining needs were, unfortunately, not covered in many cases, which sometimes led to the partial or total closing of centres and hampered the establishment of new centres in Africa, Asia, Central America and Central and Eastern Europe. His delegation therefore urged current and potential contributors to the United Nations Fund to hold consultations during the current session of the Commission in order to discuss ways to remedy the situation.

19. While the medical approach to torture and its consequences was primarily intended to provide the necessary care to victims, it also made for a better understanding of the circumstances and causes of torture, thereby making it possible to develop a more rational approach to early detection and prevention of the phenomenon by treating it as a public health problem, as had previously been done with tuberculosis. It was clear, however, that the prevention of torture could not be accomplished by the medical profession or the health-care system alone. It required the involvement of other professional groups, determined action by political and administrative authorities in Member States, including the adoption of educational and judicial measures, and continued political and financial support for the human rights machinery of the United Nations and, in particular, the Commission.

20. Mr. HAIDER (Pakistan) said that his country, in its desire to strengthen democracy, had received the Special Rapporteur on Torture from 23 February to 2 March 1996. The Commission's Special Rapporteur on the question of religious intolerance and delegates from Amnesty International had also been invited to Pakistan.

21. Torture was forbidden by the Pakistani Constitution of 1973 and, with the restoration of democracy, the Government was working to make that prohibition an operative reality. To that end, the Government of Benazir Bhutto was working closely with national and international NGOs. However, the prejudices and sectarianism which had been encouraged under the dictatorship had not completely disappeared and armed terrorist gangs had been pressing their political and ethnic demands for over 10 years in the urban areas of Sind.

22. The measures taken by the Pakistani Government to meet the double challenge of strengthening the rule of law while fighting against terrorism included the establishment of a Ministry of Human Rights, whose responsibilities included protecting citizens from any form of illegal detention. In cases of violations, the higher judiciary was authorized

to intervene. The provincial government of Sind had also set up a round-the-clock hotline for victims of torture or illegal detention. The Prime Minister had appointed a special committee to revise the prison manual and the Senate and National Assembly had already passed a law to abolish whipping. Police stations with all-women officers had been set up, the Penal Code had been revised to prevent overnight detention of women in police stations and ensure their interrogation only in the presence of their husband or close relatives, and the Senate had set up a special committee on human rights. All those measures were intended to ensure respect for the legal rights of everyone, even the worst criminals.

23. In the rare cases of abuse, the Government had taken stern action and more than 20 judicial inquiries had been instituted. However, the ethnic group which had levelled allegations of excesses and demanded judicial inquiries had later refused to participate in those inquiries. The aim of that group was not justice but vicious propaganda against Pakistan at the international level for the purpose of shifting attention from the atrocities committed in occupied Jammu and Kashmir. The Pakistani Government was nevertheless committed to promoting the fundamental rights of all segments of society and to establishing a liberal, moderate, tolerant and progressive society. It was confident that the international community would support it in that endeavour.

24. Mr. JOINET (Chairman-Rapporteur of the Working Group on Arbitrary Detention) said that since the drafting of his report (E/CN.4/1996/40 and Add.1), the Working Group had received information from Egypt, Ethiopia and Turkey. Furthermore, all the persons mentioned in connection with Brazil had been freed. He thanked everyone who had helped the Working Group to carry out its task and also those who, by their criticisms, had helped it to make progress.

25. Mr. ESPINOLA SALGADO (Brazil) said that his Government fully supported the principle of the interdependence of democracy, development and respect for human rights as proclaimed by the Vienna Declaration, which also stressed the importance of an independent judiciary. The perpetrators of gross human rights violations too often remained unpunished owing to a lack of democratic institutions or to a failure in the effective administration of justice. While national Governments had a pivotal role to play in the implementation of international human rights standards, the international community also had a key role, for example, by helping developing countries which lacked, not political will, but material and human resources. For that reason, Brazil planned to submit a draft resolution to provide increased technical and financial assistance from the international community in order to strengthen institutions concerned with the administration of justice in the spirit of the Vienna Declaration and Programme of Action. Cooperation with Governments was needed to help them comply with international standards, for example, through improved training of judges and police officers.

26. Brazil had learned by experience that even countries with democratic institutions needed to make constant progress in the field of civil rights. That belief had led the Chamber of Deputies to approve a bill transferring competence from military to civilian justice in cases of human rights violations by military policemen.

27. Brazil had also learned by experience that the practice of enforced or involuntary disappearances eroded the moral authority of the State. Until the preceding year, the deaths of disappeared political activists under the military regime had not been officially recognized. President Cardoso, himself a victim of political persecution under that regime, had recently promulgated a law recognizing the death of 136 missing activists and ensuring financial compensation for their families. The same law had created a commission to examine the remaining cases. While it was impossible to provide full compensation for the injuries caused by State actions or omissions, the adoption of a policy of reparation with regard to past events was a moral obligation in societies which had overcome authoritarianism.

28. Finally, his delegation expressed support for the work of the thematic rapporteurs on the issues coming under agenda item 8 and the activities of the working group on the drafting of an optional protocol to the Convention against Torture. In order to achieve universal accession, the future protocol should take due account, on the one hand, of the need for an independent inspection mechanism and, on the other hand, of the principle of cooperation with States parties.

29. Mr. ENNACEUR (Observer for Tunisia) said it was unfortunate that, despite the new spirit of dialogue, cooperation and objectivity which characterized the work of the Commission, some NGOs were making unfounded accusations against, or attacks on, certain countries. If the Commission wanted to put an end to the human rights violations perpetrated in some countries, it should also encourage progress and distinguish between violations which were the result of deliberate government policy, without regard for international principles, and those which were the result of human error or excessive zeal in implementing the laws. The former called for international cooperation with a view to bringing about substantial change, whereas the second required continued monitoring at the national and international levels and education at all levels, together with dialogue and international cooperation.

30. Such dialogue and cooperation had been a permanent feature of the Tunisian Government's policy since 1987. In order to give concrete expression to its concern for democracy and human rights, Tunisia had become a party to nearly all the international human rights instruments, which were directly applicable in its legal system. It had also established other mechanisms to strengthen legal institutions and guarantees while encouraging respect for, and promotion of, human rights. The Tunisian High Committee for Human Rights and Fundamental Freedoms was monitoring the situation and reporting all cases of abuse or excess, which were met with legal and disciplinary sanctions.

31. Since, as the United Nations High Commissioner for Human Rights had stressed, education was also a prerequisite for respect for human rights, Tunisia had introduced human rights education into the schools, higher educational institutions and universities. A national education commission had just been established under the aegis of the Minister of Education and was responsible for preparing periodic reports on progress in that area. That project, which was part of the United Nations Decade for Human Rights Education, was proof of Tunisia's intent to pursue and strengthen its cooperation with the relevant United Nations machinery.

32. Mr. WANI (Muslim World League) said that he was taken aback and distressed by the apathy of the Commission since torture, arbitrary detention and extrajudicial executions continued to claim hundreds of thousands of victims each year. Yet the representatives of the torturers cynically informed the Commission that the victims of their repression were the real criminals.

33. Jammu and Kashmir had become an immense prison in the hands of the Indian security forces, who had killed 50,000 people and had imprisoned and tortured over 100,000. One such victim was Jalil Andrabi, who had been assassinated for pleading the case of the Kashmiri people before the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Despite the evidence which human rights advocates had given at the risk of their lives, the situation in Jammu and Kashmir was becoming worse each year, yet the Commission was doing nothing about it: no fact-finding mission had been sent and no resolution had been adopted. It was time for action to take the place of political considerations. It was the Commission's duty to take measures against the Indian aggressor, who was violating human rights with complete impunity.

34. Mr. SALDAMANDO (International Indian Treaty Council) said that his organization, which had been working on behalf of indigenous peoples for over 20 years, once again called on the United States of America to stop pretending that there were no political prisoners in that country and to free Leonard Peltier, a political prisoner who had been convicted on the basis of completely fabricated evidence and whose request for parole had just been denied, in clear disregard for the principles of the Universal Declaration of Human Rights. He also drew the Commission's attention to the case of Dennis Kanahele, head of the nation of Hawaii, who was peacefully seeking restoration of the sovereignty of his people. Pending a new trial, he had been subjected to surveillance measures that were both unjustified and humiliating. He deserved fair treatment from the United States.

35. In Guatemala, in 1995, there had been 221 extrajudicial executions, 30 enforced disappearances and 105 arbitrary detentions, sometimes accompanied by torture; paradoxically, as the independent expert, Ms. Pinto, had reported (E/CN.4/1996/15), the Mayan people who formed the majority in Guatemala was a vulnerable group. The populations of whole villages had disappeared and been summarily executed. In Agua Fria, the bodies of 167 men, women and children had been discovered. In Xaman, Government forces had killed 11 people, including children, and wounded 20 others.

36. In Peru, the great majority of the 5,000 victims of enforced disappearances, extrajudicial executions and torture were indigenous people, primarily Quechuas.

37. The International Indian Treaty Council called on the Commission to extend the mandate of the Special Rapporteur on Guatemala.

38. Ms. BANO (World Muslim Congress) described the inferno in which the people of Kashmir lived. In that valley with over 1 million Indian soldiers (one for every six inhabitants), every family had been a victim of violence.

She herself had risked her life and that of her family to come and testify to the Commission. Disappearance, detention, assassination and torture were all used to silence those who defended the rights of the Kashmiri people. Jalil Andrabi's crusade for human rights had cost him his life. Twenty-two members of the Kashmiri resistance had been burnt alive while in custody. Women, who were in the vanguard of the struggle for justice and dignity, were not spared: 20 of them, some barely in their teens, had been raped by "brave" Indian soldiers in the tiny village of Dadsara.

39. The capital, Srinagar, was like a concentration camp where everyone led a life of humiliation and fear of mindless violence. That well-documented situation was reported year after year to the human rights bodies, yet those responsible remained unpunished. It was time for the international mechanisms set up to prosecute criminals to come into play in Kashmir.

40. Mr. KHAN (World Peace Council) expressed concern at the observation of the Working Group on Enforced or Involuntary Disappearances that only a few States had taken steps to incorporate in their national legislation the principles of the Vienna Declaration, adopted at the World Conference on Human Rights, especially in regard to the characterization of acts of enforced disappearance as offences under criminal law, and as a continuing offence, or the prohibition of persons who committed that offence from benefiting from any special amnesty law or similar measures (E/CN.4/Sub.2/1995/WG.1/CRP.1). While it was essential to remedy that situation, it must not be forgotten that in some countries, particularly developing countries, the legal system itself was responsible for enforced disappearances.

41. While public opinion was the most effective weapon in combating such practices, that weapon could be two-edged. In countries which were the victims of terrorism, often financed from abroad, public opinion was tempted to ask the State to meet violence with violence. It was therefore important that the Commission should not only encourage States to adopt appropriate measures that were effective in combating enforced disappearances, but also sensitize the public to the long-term repercussions of enforced disappearances and deaths in custody. Those efforts would be futile, however, unless they were combined with a determined effort on the part of the international community to stamp out terrorism and, in particular, to censure those countries which, like Pakistan, were havens for terrorists.

42. No question relating to human rights could be understood in isolation. In carrying out its mandate under paragraph 20 of the Commission's resolution 1995/38, the Working Group should, therefore, also consider the issue of violations arising from non-governmental actions and public apathy.

43. Mr. FAI (International Islamic Federation of Student Organizations) expressed regret that, a year after his previous statement to the Commission, the situation in Kashmir had not changed. His organization had invited Jalil Andrabi to speak on agenda item 8 at the current session. However, Mr. Andrabi had been arrested by the Indian paramilitary forces and had been found dead and mutilated. Mr. Andrabi had told the Sub-Commission in 1995 that he was living in fear. He (Mr. Fai) said that his own cousin, Shabir Siddiqui, a scholar rather than a terrorist, as India claimed, had been burnt alive in Srinagar.

44. As stated in the most recent human rights report issued by the United States State Department, the people of Kashmir's only crime was asking for the implementation of United Nations resolutions and for respect for internationally recognized human rights. Nearly half a century after the beginning of the Indian occupation, it was high time for the international community to intercede on Kashmir's behalf. It was a more densely populated area than other trouble spots in the world, and its people were suffering no less than those of Haiti. The nuclear confrontation there was no less threatening than in Korea, the rapes committed there no less humiliating than those in Bosnia and the cases of torture and imprisonment no less frequent than in Burma. Nevertheless, the Kashmiri people continued to place great hopes in the United Nations.

45. Mr. CUNNIAH (International Confederation of Free Trade Unions) noted with concern that the Government of China had not yet invited the Special Rapporteur on Torture to visit that country, where trade-unionists were among those imprisoned and mistreated, a fact which had led the Confederation to protest to the Chinese authorities on several occasions. Nine trade-unionists were still imprisoned and the state of health of one of them, Zhou Guoquiang, was a cause for concern.

46. With regard to the Sudan, the information received by the Special Rapporteur corroborated that received by the Confederation concerning the torture and death in detention of some trade-unionists, for example, Abdel Moniem Rahama. The Confederation urged the Special Rapporteur on Torture and the Working Group on Arbitrary Detention to visit the Sudan at the earliest opportunity.

47. The Confederation shared the Special Rapporteur's belief that the Commission should appoint a special rapporteur for Colombia. Such a measure was warranted by the seriousness of the human rights situation in that country, where almost 30,000 people had died as a result of political violence and extrajudicial executions.

48. In Mr. Abid Hussain's report on his mission to the Republic of Korea (E/CN.4/1996/39/Add.1), it was stated that the Committee on Freedom of Association of the International Labour Organization had denounced the restrictions on freedom of assembly and association imposed by the Government of that country. As a result of those restrictions, some 40 Korean trade-unionists were still in detention under charges of having breached the labour laws, which in fact were not in conformity with international labour standards. The Confederation urged the Commission to endorse the recommendations of the Special Rapporteur contained in paragraph 46 of his report, in particular those calling for the unconditional release of all prisoners of conscience and for amendments to the labour laws.

49. The CHAIRMAN invited those delegations wishing to exercise the right of reply to take the floor.

50. Mr. MUÑOZ-LEDO (Mexico) said that, in its statement on agenda item 8 at the 25th meeting, the Latin American Federation of Associations of Relatives of Disappeared Detainees (FEDEFAM) had stated that laws authorizing arbitrary detention and similar measures had been promulgated in Mexico. The laws of

that country were adopted by a democratically elected Congress, which had never promulgated laws incompatible with respect for human rights. In that regard, he referred the Federation to the eighth annual report of the Special Rapporteur on human rights and states of emergency.

51. FEDEFAM had also stated that, in 1995, there had been a resurgence of disappearances in Mexico. On that point, he referred that organization to the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1996/38), which stated that, while there had, indeed, been 23 new allegations of disappearances in 1995, 28 cases of alleged disappearance had been resolved. In other words, the number of disappearances had decreased rather than increased.

52. Mr. QUAYES (Bangladesh) formally denied the allegations made against his country, which suggested that the pronouncement of fatwas and other acts of intimidation and even murder, particularly in the case of writers and journalists, were common there. He stressed that arbitrary pronouncements such as fatwas, threats and other acts of intimidation against any individual were regarding as contrary to Islam and incompatible with the Constitution of Bangladesh. Moreover, the United States State Department had noted in its Country Reports on Human Rights Practices that the judiciary in Bangladesh displayed a high degree of independence and often ruled against the Government in criminal, civil and even political cases. While there had, in fact, been cases in which unlawful fatwas had been pronounced, they should be viewed as isolated incidents which had, moreover, been officially denounced. For example, those who had pronounced a fatwa against a remarried woman, who had committed suicide because of the pronouncement, had been found guilty of incitement to suicide and sentenced to seven years' rigorous imprisonment by a court. Those facts had been established by Amnesty International.

53. It was essential for NGOs, whose usefulness could not be disputed, to be able to distinguish between systematic human rights violations and isolated criminal acts dealt with by the criminal justice system.

54. Ms. JARF (Observer for the Syrian Arab Republic) said that the International Federation of Human Rights had implicated her country under agenda item 8, illustrating its remarks by referring to a certain committee for the protection of human rights in Syria in order to condemn the situation in that country. The members of the committee in question were, in fact, terrorists who had been convicted of crimes against national security. An investigation had demonstrated that they were receiving money from abroad, carrying out clandestine activities and disseminating false information for the purpose of encouraging armed resistance. They had actually acknowledged those facts without coercion at a public trial attended by representatives of NGOs. The sentences handed down had varied from person to person and some of the accused had even been declared innocent. It was unfortunate that systematic criticism of certain third world countries was a policy of the International Federation of Human Rights. It would be interesting to know who was financing and running that organization.

55. Mr. TANDAR (Observer for Afghanistan) said that the accusation against his country made by the Asian Buddhist Conference for Peace was a very serious one. The Conference had stated that Afghanistan was mentioned in the report

on the question submitted to the Commission (E/CN.4/1996/35) as a country that practised torture. In fact, Afghanistan was not mentioned anywhere in the report, which led his delegation to conclude that the NGO concerned had deliberately taken the political decision to denigrate Afghanistan and its Government. If they wished to be credible, NGOs must behave responsibly.

56. Mr. SUN Mingshan (China) said that, in its statement, the International League for Human Rights had said that torture was commonly practised in China and that the Chinese judicial system was not an independent one. Those accusations were not based on any specific fact. Moreover, the Chinese Constitution officially prohibited torture. In China, a prisoner who was mistreated received compensation and those responsible were severely punished. The organization in question had given as an example the case of Hu Jian. That militant had been imprisoned for his subversive activities and, since he was mentally disturbed, had been transferred to a psychiatric hospital where his care had been fully provided by the Chinese Government. Moreover, his mother had expressed her thanks to the Chinese authorities. Several other NGOs, including the International Confederation of Free Trade Unions, had denigrated the Chinese legal system, thereby violating the principle of non-interference. Such an attitude was contrary to the spirit of cooperation which should prevail in the Commission.

The meeting rose at 5.15 p.m.